

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

# UNITED STATES DISTRICT COURT

for the

SUSHOVAN HUSSAIN  
 Petitioner

v.

RACHEL THOMPSON, WARDEN OF FCI ALLENWOOD  
 LOW; MICHAEL CARVAJAL, DIRECTOR OF THE BOP;  
 MERRICK GARLAND, ATTORNEY GENERAL OF THE  
 USA, IN THEIR OFFICIAL CAPACITIES  
 Respondent

(name of warden or authorized person having custody of petitioner)

Case No. \_\_\_\_\_  
 (Supplied by Clerk of Court)

FILED  
 SCRANTON  
 SEP 22 2021  
 PER \_\_\_\_\_  
 DEPUTY CLERK

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

### Personal Information

- Your full name: SUSHOVAN TAREQUE HUSSAIN
  - Other names you have used: HASAN TAREQUE
- Place of confinement:
  - Name of institution: FCI ALLENWOOD LOW
  - Address: P.O. BOX 1000  
WHITE DEER, PA 17887-1000
  - Your identification number: 24067-111
- Are you currently being held on orders by:
 

☒ Federal authorities    ☐ State authorities    ☐ Other - explain: \_\_\_\_\_
- Are you currently:
 

☐ A pretrial detainee (waiting for trial on criminal charges)

☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - Name and location of court that sentenced you: U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA
  - Docket number of criminal case: CR-16-00462-001 CRB
  - Date of sentencing: 5/13/2019

☐ Being held on an immigration charge

☐ Other (explain): \_\_\_\_\_

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): RESPONDENT'S DETERMINATION, ON THE BASIS OF NATIONAL ORIGIN TO 1) DENY SAFE HARBOR OF HOME CONFINEMENT TO PETITIONER AND 2) INCARCERATE PETITIONER LONGER THAN SIMILARLY SITUATED US CITIZENS, IS DISCRIMINATORY, IN VIOLATION OF THE CONSTITUTION

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: RACHEL THOMPSON, WARDEN OF ALLENWOOD LOW(b) Docket number, case number, or opinion number: LETTERS DATED 1/20/21 AND 5/17/21

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

DENIAL OF ELIGIBILITY FOR CONSIDERATION OF HOME CONFINEMENT  
PLEASE SEE ATTACHED HABEAS CORPUS PETITION PURSUANT TO  
28 U.S.C.S 2241(d) Date of the decision or action: LETTERS DATED 1/20/21 AND 5/17/21**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

\_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

\_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_

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(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: PLEASE SEE ATTACHED HABEAS CORPUS PETITION  
PURSUANT TO 28 U.S.C.S 2241

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

**GROUND TWO:** PLEASE SEE ATTACHED HABEAS CORPUS PETITION  
PURSUANT TO 28 U.S.C.S 2241

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

**GROUND THREE:**

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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**GROUND FOUR:**(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: PLEASE SEE ATTACHED HABEAS CORPUS PETITION SECTION VII RELIEF REQUESTED. PURSUANT TO 28 USCS 2243 ISSUE EITHER A) A TEMPORARY RESTRAINING ORDER, PRELIMINARY / PERMANENT INJUNCTION AND/OR A WRIT OF HABEAS CORPUS REQUIRING RESPONDENTS TO RELEASE PETITIONER WITHIN 24 HOURS OR B) IN THE ALTERNATIVE, AN ORDER THAT RESPONDENTS SHOW CAUSE AT MOST WITHIN 3 DAYS WHY SUCH A WRIT SHOULD NOT ISSUE. B) IF IMMEDIATE RELEASE IS NOT GRANTED ON THE BASIS OF THIS PETITION ALONE, THEN EXPEDITED REVIEW OF THE PETITION, INCLUDING ORAL ARGUMENTS. C) ANY FURTHER RELIEF THIS COURT DEEMS JUST, NECESSARY, OR APPROPRIATE.



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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

9/20/21

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

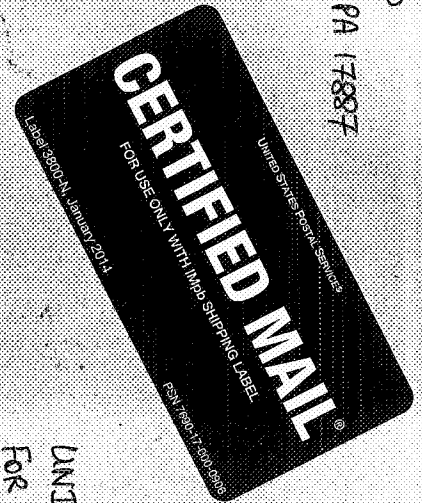
9/20/21

Sushovan Hussain

*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

INMATE NAME/NUMBER: SUSTAWAN HUSSAIN 24067-111  
FEDERAL CORRECTIONAL COMPLEX-ALLENTOWN LOW  
P.O. BOX 1000  
WHITE DEER, PA 17887



LEGAL MAIL

RECEIVED  
SCRANTON

SEP 22 2021

PER *[Signature]*  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
WILLIAM J. NEALON FEDERAL BLDG & US COURTHOUSE  
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